

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

<b>REFINED TECHNOLOGIES, INC.</b>	§	
	§	
<b>Plaintiff,</b>	§	
	§	<b>CIVIL ACTION NO. 3:22-cv-00197</b>
<b>vs.</b>	§	
	§	
<b>USA DEBUSK LLC; BLAKE</b>	§	<b>JURY TRIAL DEMANDED</b>
<b>MONTGOMERY; KYLE</b>	§	
<b>WILLIAMS; and RYAN ULFERTS</b>	§	
	§	
<b>Defendants.</b>	§	

**USA DEBUSK LLC’S UNOPPOSED MOTION FOR LEAVE TO FILE ITS  
MOTION TO STRIKE THE UNAUTHORIZED AND IMPROPER  
“REBUTTAL” REPORT OF TERRY LIVINGSTON, P.E.  
AND EXHIBITS THERETO UNDER SEAL**

Pursuant to Rule 6.C.7 of the Court’s procedures, Defendant USA DeBusk LLC (“USAD”) respectfully seeks leave to file its Motion to Strike the Unauthorized and Improper “Rebuttal” Report of Terry Livingston, P.E. and the exhibits thereto under seal.

The exhibits are documents that have been designated by Plaintiff Refined Technologies, Inc. and USAD as “Confidential Information—Outside Attorneys’ Eyes Only” pursuant to the Protective Order. D.I. 38, ¶¶ 2-3. USAD’s Motion to Strike describes and summarizes these documents, which are attached to its Motion to Strike as exhibits. Accordingly, pursuant to the parties’ confidentiality designations, USAD seeks leave to file both its Motion to Supplement and certain exhibits thereto under seal.

USAD has reviewed the Fifth Circuit’s decision in *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 418 (5th Cir. 2021) and believes the proposed redactions to the text

of the Motion to Strike requested herein (as indicated in highlighted text) are in accord with that decision. *Le* underscores how the public’s right of access to judicial records is of fundamental importance to the legitimacy of the judicial branch. *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 418-419 (5th Cir. 2021). *Le* thus held that courts “should be ungenerous with their discretion to seal judicial records,” but that “litigants sometime have good reasons to file documents (or portions of them) under seal, such as protective trade secrets or the identities of confidential informants.” *Id.* Thus, when requesting sealing, litigants must explain the basis for sealing information with sufficient detail to allow courts to undertake a “document-by-document” and “line-by-line” analysis of the material to be sealed, and balance ““the public’s common law right of access against the interests favoring nondisclosure.”” *Id.* at 419 (quoting *United States v. Sealed Search Warrants*, 868 F.3d 385, 390 (5th Cir. 2017)).

USAD also requests the sealing of Exhibits A-C, which are the expert reports and rebuttal reports of Plaintiff’s expert witness Terry Livingston, P.E. and USAD’s expert witness, Peter N. Loezos, Ph.D., on the issue of infringement. The reports discuss sensitive technical information relating to Plaintiff’s RX and USAD’s KixClear cleaning processes. Because they are extensive and USAD is seeking expedited consideration of its Motion to Strike, it would be impractical to redact them. Thus, good cause exists for filing the redacted Motion to Strike and its Exhibits A-C under seal.

As explained above, the proposed redactions are to excerpts from the expert reports Plaintiff’s expert witness Terry Livingston, P.E. and USAD’s expert witness, Peter N. Loezos, Ph.D., which the parties have marked as Confidential Information—Outside

Attorneys' Eyes Only." The redactions discuss the experts' analysis of USAD's proprietary KixClear cleaning process.

Attached to this Motion as sealed exhibits are (a) Exhibit 1: Highlighted, unredacted version of USAD's Motion to Strike; (b) Exhibit 2: Exhibit A, Expert Report of Terry Livingston, P.E.; Exhibit 3: Exhibit B, Dr. Loezos' Report Regarding the Expert Report of Terry Livingston, P.E. On Patent Infringement; and (c) Exhibit 4: Exhibit C, Mr. Livingston's Rebuttal Report.

Contemporaneously with this Motion, USAD is filing a Redacted Motion to Strike.

Plaintiff does not oppose USAD's request.

Accordingly, Defendant USAD respectfully requests that the Court GRANT this motion.

Dated: June 25, 2025

Respectfully submitted,

**DUANE MORRIS LLP**

/s/Thomas W. Sankey

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**COUNSEL FOR DEFENDANT USA**

**DEBUSK LLC**

**CERTIFICATE OF CONFERENCE**

I certify that on June 25, 2025, counsel for Defendant USA Debusk LLC, Thomas Sankey, conferred with counsel for Plaintiff's counsel, James Hall and Cabrach Connor, regarding the relief sought in this Motion, and Plaintiff's counsel advised that Plaintiff is unopposed.

/s/ Thomas W. Sankey  
Thomas W. Sankey

**CERTIFICATE OF SERVICE**

I certify that on this 25<sup>th</sup> day of June, 2025, I served a true and correct copy of the foregoing document upon all counsel entitled to receive such notice via the Court's electronic filing system and/or electronic mail.

/s/ Wesley W. Yuan  
Wesley W. Yuan